

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, ) 2:09-CR-00492-ECR-LRL  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BRIAN ALLEN WALLAESA, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Jury instructions shall be submitted in the following manner  
and form:

Each party shall file the following:

- (1) A list, by number, and the full text of any requested stock instructions that are found in Federal Jury Practice and Instructions (formerly Devitt and Blackmar), Ninth Circuit Criminal Jury Instructions, CALJIC, or other recognized published pattern instructions.  
(Counsel should state from which edition the stock instruction is taken.)
- (2) The full text of each requested special instruction, with citations to authority designated thereon.
- (3) Counsel shall also submit an electronic version of all of the proposed instructions, in final form, with citations

(cited near the bottom of the page), including any requested stock instructions listed in (1) above, any special instructions listed in (2) above, and a proposed jury verdict form. Please use WordPerfect. The electronic version shall be submitted as an email attachment to the following email address:

[ecr\\_mail@nvd.uscourts.gov](mailto:ecr_mail@nvd.uscourts.gov).

(a) All instructions should be formatted on a 28-line pleading macro with the following margins: 1.3" left margin, .375" right margin, and 1" top and bottom margins. The instructions and the verdict form should be in 12 point Courier New font.

(b) All instructions should be in the final proposed form (no brackets and suggested legal terms and names), and ready to be submitted to the jury. Exhibit B (attached), shows the proper form with brackets removed (compare to Exhibit A, attached), and the proper positioning of the relevant identifying information (Plaintiff/Defendant Proposed Instruction No. \_\_\_\_, and citation).

(c) The instructions should all be included in one document, rather than separate documents for each instruction. The formatting should be kept simple, with no borders, graphics, headers, or footers.

**PLEASE READ EXHIBITS A, B, and C** (attached) which explain the procedure that will be followed in order to prepare the instructions for the jury. Understanding this procedure will

1 facilitate the prompt and efficient preparation of the jury  
2 instructions. All instructions, both stock and special, approved  
3 by the Court for submission to the jury, will be prepared in a  
4 packet by the Court as detailed in Exhibit C.

**Exhibit A - Unmodified Stock Instruction**

Illegal Gratuity to Public Official

18 (U.S.C. § 201(c) (1) (A))

The defendant is charged in [Count\_\_\_\_\_of] the indictment with [giving] [offering] [or] [promising] an illegal gratuity in violation of Section 201(c) (1) (A) of Title 18 of the United States Code. In order for the defendant to be found guilty of that charge, the government must prove beyond a reasonable doubt that the defendant [gave] [offered] [promised] something of value to [[e.g., an agent of the Internal Revenue Service]] [[for] [because of]] an official act [performed] [to be performed] by the [e.g., agent].

Defendant's Proposed Instruction No. \_\_\_\_\_  
9th Cir. Crim. Jury Instr. 8.12 (2003).

Instruction No. \_\_\_\_\_

**Exhibit B - Proper Instruction Form, as Modified for the Jury**

The defendant is charged in Count 1 of the indictment with giving an illegal gratuity in violation of Section 201(c)(1)(A) of Title 18 of the United States Code. In order for the defendant to be found guilty of that charge, the government must prove beyond a reasonable doubt that the defendant gave something of value to an agent of the Internal Revenue Service for an official act to be performed by the agent.

Defendant's Proposed Instruction No. \_\_\_\_\_  
9th Cir. Crim. Jury Instr. 8.12 (2003).

Instruction No. \_\_\_\_\_

**Exhibit C**

**Jury Instruction Procedure**

**I. Preparation of Jury Instruction Packet**

Your suggested instructions (both special and stock), will be compiled into a packet in logical order. The Court will supplement this packet with instructions that it deems relevant. The Court will then give each party a copy of the proposed packet in order to review.

**II. Meeting with Law Clerk**

After each party has a chance to review the proposed packet, a Law Clerk will meet with both attorneys and will go over any questions, objections, etc., regarding the proposed instructions. The Law Clerk will note which instructions will be given by stipulation, by stipulation as amended, etc., and will then meet with Judge Reed to report any objections, legal authority and comments.

**III. Jury Instruction Hearing**

After Judge Reed meets with the Law Clerk, Judge Reed will hold a hearing with both attorneys, on the record, with respect to the instructions. At the hearing you will make your objections, and Judge Reed will rule on the objections and instructions to be given to the jury.

1 **IV. Final Packet**

2 After the hearing, the final packet will be prepared. The  
3 citation and the proposing party's identity will be removed and  
4 only the text of the instruction and the instruction number will  
5 remain.

6 **V. Helpful Hints**

7 Please try and conform your instructions to the case at hand.  
8 Eliminate brackets and choose your desired choice of words in stock  
9 Instructions. Place the identifiers -- Defendant's/Plaintiff's  
10 Proposed Instruction, Instruction No. \_\_\_\_, and the citation -- in  
11 the proper location. Use Exhibit B as a helpful reference on how  
12 the instructions should look.

13  
14 Dated: This 6th day of December, 2010.

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16 \_\_\_\_\_  
17 UNITED STATES DISTRICT JUDGE  
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